

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN LEWIS NYE, )  
Petitioner, )  
v. ) 3:19-cv-00218  
JOSH SHAPIRO, et al., )  
Respondents. )

**MEMORANDUM ORDER**

This civil action involves a petition for relief pursuant to 28 U.S.C. § 2254. (ECF No. 1).

The matter was referred to Magistrate Judge Maureen Kelly for a report and recommendation. Judge Kelly issued a Report and Recommendation that the petition be denied for lack of merit, and recommended that no certificate of appealability issue. (ECF No. 12). The R&R was served upon the Petitioner, with instructions as to the filing of objections to the R&R. No Objections to the R&R have been filed.

The undersigned has nonetheless carefully considered the matters set forth in the papers of record and the R&R, *de novo*, and upon such review concludes that the R&R is correct in all respects and is in accord with the applicable law and is therefore adopted as the Opinion of the Court.

The petition is DENIED for the reasons set forth in the R&R. Because the Court concludes that jurists of reasons would not find it debatable whether the Petitioner's claims have merit, no certificate of appealability shall issue. The Clerk shall close the case.

s/ Mark R. Hornak  
Mark R. Hornak  
Chief United States District Judge

Dated: February 22, 2023

cc: Brian Lewis Nye (via U.S. Regular Mail)  
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All counsel of record (via CM/ECF)